

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AMANDA FEENSTRA, et al.,

Plaintiff,

VS.

Case Number
19-cv-234-JFH-FHM

JARED SIGLER, et al.,

Defendants.

WEB CONFERENCE DEPOSITION OF JARED SIGLER
TAKEN ON BEHALF OF THE PLAINTIFF
ON OCTOBER 26, 2020, BEGINNING AT 9:06 A.M.
IN EDMOND, OKLAHOMA
(LOCATION OF REPORTER)

APPEARANCES:

On behalf of the Plaintiffs:

MS. SARAH BURACK (via Zoom)
MS. LILIA B. VAZOVA (via Zoom)
LATHAM WATKINS
885 Third Avenue
New York, New York 10022
212.906.1605
sarah.burack@lw.com
lilia.vazova@lw.com

On behalf of the Defendant State Judges:

MR. DEVAN A. PEDERSON (via Zoom)
OKLAHOMA ATTORNEY GENERAL
313 NE 21st Street
Oklahoma City, OK 73105
405.522.2931
devan.pederson@oag.ok.gov

(Appearances continued on page 2)

Reported by: Cheryl D. Rylant, CSR, RPR

On behalf of the OIDS Defendants:

MR. JON M. WILLIFORD (via Zoom)
OKLAHOMA ATTORNEY GENERAL
313 NE 21st Street
Oklahoma City, OK 73105
405.522.2944
jon.williford@oag.ok.gov

Also appearing:

MS. STEFANIE LAWSON (via Zoom)
OKLAHOMA ATTORNEY GENERAL
313 NE 21st Street
Oklahoma City, OK 73105
405.522.2944
stefanie.lawsom@oag.ok.gov

VIDEO TECHNICIAN: Sean Shell

1	INDEX	
2		PAGE
3	Direct Examination - Ms. Burack	6
4	EXHIBITS	
5	NO.	DESCRIPTION PAGE
6	1	STATE JUDGES 497-499 21
7	2	Title 22. Criminal Procedure - 27
8		Chapter 18 - Appendix, Rules of the
9		Court of Criminal Appeals - Section
10		VIII: Procedures Relating to
		District and Municipal Courts
		Relating to Imprisonment for
		Nonpayment of Fines and Costs
11	3	Motion for Rule 8 Hearing on 42
12		Inability to Pay Fines and/or Costs
13	4	CF-15-01, State of OK vs. Arias, 6
14		Request for Rule 8 Hearing on
		Motion for Relief From Obligation
		of Fines, Costs and Restitution
15	5	Court Cost Collections - AOC, 59
16		Fall 2009
17	6	CF-2014-528, State of OK vs. 69
		Ackerson, Docket
18	7	CF-14-465, State of Oklahoma vs. 71
19		Ackerson, Order Remanding Defendant
20		to Jail for Failure to Pay Fines
21		and Costs
22	8	YO-2011-1, State of OK vs. Carter, 71
23		Docket
24	9	Bench Warrant Recall's - Judge 80
		Sigler
25	10	Order Setting Bond for Failure to 87
		Appear

STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the oral & videoconference deposition of Jared Sigler may be taken on behalf of the Plaintiffs, on October 26, 2020, in Edmond, Oklahoma, by Cheryl D. Rylant, Certified Shorthand Reporter, within and for the state of Oklahoma, taken pursuant to Notice, Agreement, the Federal Rules of Civil Procedure.

* * * * *

PROCEEDINGS

VIDEO TECHNICIAN: This is the videotaped deposition of Jared Sigler, taken on behalf of the plaintiffs, in the matter of Amanda Feenstra, et al., versus Jared Sigler, et al., filed in the United States District Court for the Northern District of Oklahoma, Case Number 19-cv-234-JFH-FHM. This deposition is being held via web conference on Monday, October 26th, 2020.

We're on the record at 9:06 a.m.

Will counsel please state their appearances for the record.

MS. BURACK: Yes. Good morning. This is Sarah Burack of Latham & Watkins, on behalf of Plaintiffs, Amanda Feenstra and Sharonica Carter. And with me today is my colleague, Lilia Vazova.

MR. PEDERSON: Devan Pederson, on behalf of the Defendant, State Judges, Judge Thomas, Judge Sigler, and Judge Vaclaw.

VIDEO TECHNICIAN: The court reporter will now please swear in the witness.

(Oath administered.)

JARED SIGLER,
having been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MS. BURACK:

Q. Good morning, Judge Sigler. As you just heard, my name is Sarah Burack, and I represent the Plaintiffs, Amanda Feenstra and Sharonica Carter. I just want to thank you again for taking the time this morning.

Can you hear me okay? I just want to make sure.

A. Yes. Yes, ma'am.

Q. And could you please state your full name for the record?

A. It's Jared Paul Sigler, S-I-G-L-E-R.

Q. Have you ever been deposed before?

A. I have not.

Q. Have you ever taken or defended a deposition?

A. I have not.

Q. Are you familiar with how depositions work?

A. Generally. Vaguely.

Q. So you understand that you're giving testimony under oath today, just as you would in a courtroom?

A. Yes, ma'am.

1 Q. And if at any point, I ask you a question
2 that you don't understand, please feel free to ask me
3 to clarify. But if I ask you a question and you go
4 ahead and give me an answer, I'm going to assume that
5 you understood the question. Is that okay?

6 A. Yes, ma'am.

7 Q. And is there any reason why you would be
8 unable to provide complete and truthful testimony
9 today?

10 A. No, ma'am.

11 Q. You're currently a special judge in
12 Washington County, Oklahoma; correct?

13 A. Correct, ma'am.

14 Q. And your responsibilities as a special judge
15 include overseeing fines and cost reviews for
16 criminal defendants; is that right?

17 A. Yes, ma'am.

18 Q. And, Judge Sigler, just so you know, I'm
19 going to be using the term "defendant" throughout
20 this deposition. Unless I say otherwise, I'm not
21 referring to the defendants in this particular case.
22 I'm referring to criminal defendants who are
23 appearing in Washington County; okay?

24 A. Yes, ma'am.

25 Q. Great.

1 So those fines and cost reviews that you
2 oversee, is that sometimes referred to as the
3 "cost docket"?

4 A. Yes, ma'am.

5 Q. Are you the only judge in Washington County
6 who oversees the cost docket?

7 A. Yes, ma'am.

8 Q. Do you have any other responsibilities, apart
9 from overseeing the cost docket?

10 A. Yes, ma'am.

11 Q. What are those other responsibilities?

12 A. I have the traffic docket, which deals with
13 traffic tickets and citations.

14 I have the misdemeanor docket, which are lower
15 criminal offenses in the state of Oklahoma.

16 I do felony preliminary hearings where, if
17 you're charged with a felony offense in the state of
18 Oklahoma, you're given a preliminary hearing where
19 the state or the prosecution has to provide
20 sufficient evidence to show that there's probable
21 cause to bind the defendant over for district court
22 arraignment for criminal prosecution.

23 I do the domestic docket, which is divorces or
24 dissolutions of marriages, child custody, paternity.

25 Oh, I do the juvenile delinquent docket, which

1 are younger kiddos who are in trouble.

2 And I'm going to start doing the probate docket
3 in January.

4 Q. And as part of these other dockets that you
5 oversee that you just listed, do you -- are you
6 at all involved in sentencing criminal defendants?

7 A. Yes, ma'am.

8 Q. And so, of the dockets that you listed, which
9 ones -- in which ones would you sentence criminal
10 defendants?

11 A. The traffic docket, ma'am, and the
12 misdemeanor docket. And the juvenile docket, to some
13 degree.

14 Q. When did you first become a special judge?

15 A. January of 2017.

16 Q. And did you begin overseeing fines and cost
17 reviews at that same time?

18 A. It was a few months later, of '17. Probably
19 March or -- February, March, April, I started
20 transitioning into the fines and costs docket, ma'am.

21 Q. And were you elected or appointed to your
22 position?

23 A. I was appointed.

24 Q. Who appointed you?

25 A. Curtis DeLapp, former Judge DeLapp.

1 Q. And he was a judge at the time of the
2 appointment?

3 A. Yes. He was the district judge.

4 Q. Do you report to anyone in your current role?

5 A. Yes. I report to District Judge Linda
6 Thomas.

7 Q. Have you appointed to Judge Thomas during
8 your entire tenure as a special judge?

9 A. No. I was reporting to former District Judge
10 Curtis DeLapp, until he resigned his position.
11 I think that was in August of '18. And then
12 Judge Thomas -- Linda Thomas -- had won the election,
13 and she started January '19, I believe.

14 And during that time, I was -- when I didn't --
15 well, we had an associate judge, Judge Vaclaw, who
16 was our interim district judge; so I guess I was
17 reporting to him for that period where -- before
18 Judge Thomas took the bench.

19 Q. All right. So you were reporting to Judge
20 Vaclaw in the period of time between, roughly, August
21 of 2018 and January of 2019?

22 A. Yes.

23 Q. Do you oversee any of the clerks in the
24 Washington County courthouse?

25 A. No.

1 Q. And prior to becoming a special judge, you
2 were an assistant district attorney in
3 Washington County; is that right?

4 A. That's correct.

5 Q. So how often are fines and cost reviews held
6 in Washington County?

7 A. I try to do them about every 2 weeks, but it
8 may be a -- I always do them on Fridays at 1:30. But
9 there may be a holiday on a Friday or we may have a
10 jury week, and so I may put it out to 3 weeks. But I
11 try to do it every couple of weeks.

12 Q. And how long do those hearings typically
13 last?

14 A. Well, since I've been doing them, they've
15 gotten a lot shorter. It used to be it would be 1:30
16 to maybe 4 o'clock. We used to have a lot more
17 people coming. We have a lot fewer people coming
18 now.

19 Q. How many defendants typically appear at one
20 of these cost dockets?

21 A. Of lately or before?

22 Q. Well, let's do both. So lately first.

23 A. Okay. If we go back to when I first started,
24 there would be 100, 150 people. It would be
25 standing room only, too many people. And now, with

1 our -- with the system in place, there may be 20 to
2 40. And I've -- I've adapted due to COVID also; so
3 that -- that is playing a part in it also, ma'am.

4 (Reporter clarification.)

5 THE WITNESS: Due to COVID, we've kind of
6 adjusted the format.

7 And, Ms. Burack, I've got a 1:30 docket and a
8 2:30 docket now, due to COVID. 1:30 is A through M,
9 first letter of the last name. 2:30 is N through Z.
10 So it kind of gives two different times for people to
11 come in.

12 BY MS. BURACK:

13 Q. In the answer you just gave, you referenced a
14 system that's in place now. So there's a system
15 that's in place now that was not in place when you
16 first started overseeing the cost docket?

17 A. Yes, ma'am.

18 Q. And when was that system put in place?

19 A. Well, we -- I've been working on that. We
20 started changing the system -- I started changing the
21 system probably around the time that former
22 Judge DeLapp was resigning, moving on to something
23 different.

24 Q. Do you have an understanding as to what
25 portion of defendants who appear at fines and cost

1 reviews were represented by court-appointed counsel
2 during their underlying criminal proceeding?

3 MR. PEDERSON: Object to form.

4 THE WITNESS: Do I -- oh.

5 Well, yeah, I do. This is a pretty small
6 county; so a lot of the people -- the majority of the
7 individuals that show up on fines and cost docket I
8 know, sometimes on a first-name basis from a
9 multitude of things: church, soccer, grocery store.

10 So, yeah, I know -- I know of the proportion.

11 BY MS. BURACK:

12 Q. And so, roughly, what proportion would you
13 say are represented by court-appointed counsel in
14 their underlying criminal proceeding?

15 MR. PEDERSON: Same objection.

16 THE WITNESS: Well, let's break it down in
17 regards to -- if I may, I can expound on that a
18 little bit, ma'am.

19 BY MS. BURACK:

20 Q. Sure.

21 A. So in felony cases, there's going to be more
22 -- proportionally more felony defendants who have
23 appointed counsel due to -- they may be awaiting bail
24 but -- just because a felony is a higher criminal
25 level. So they -- they'll have a bail maybe they

1 can't make.

2 And here in Washington County, misdemeanor
3 defendants, they can represent themselves.

4 So I would say it's a higher percentage for the
5 felony defendants, a lower percentage for the
6 misdemeanor defendants. I would say probably 60 --
7 60 to 70 percent are felony defendants are
8 court-appointed -- have court-appointed counsel. And
9 then fewer on the misdemeanors, probably 25 percent,
10 because most of those bonds are -- can be made,
11 ma'am.

12 Q. Okay. Thank you.

13 MS. BURACK: And, Devan, I just want to
14 note, I heard and I see the objection in the
15 transcript. It was a little hard to hear you. So
16 maybe if you speak up when you're objecting just
17 so -- just so I know that, I'd appreciate that.

18 MR. PEDERSON: Yeah. You bet.

19 BY MS. BURACK:

20 Q. So, Judge Sigler, the first time that a
21 defendant appears before you at one of these cost
22 dockets, do you know if he or she was previously
23 represented by a public defender or a court-appointed
24 counsel in a criminal proceeding?

25 A. No. I mean, I don't know that.

1 Q. Do you ever ask?

2 A. No.

3 Q. And the first time that a defendant appears
4 before you at cost docket, do you know the exact
5 total amount of fines, fees, and costs that that
6 defendant is obligated to pay?

7 A. I can look it up, but I don't know -- I don't
8 have that information set aside for each specific
9 defendant.

10 Q. So you don't have a form or a receipt or
11 schedule in front of you that lists the exact dollar
12 amount?

13 A. No. We have a docket that's printed out,
14 ma'am, and it would be the fines and cost docket.
15 And I go through that each -- each time before I
16 enter the docket, I go through and look up each
17 individual defendant. And I see if they've been --
18 how they've been paying, how they've been
19 progressing. And as I look that up, there is the
20 total fines and cost they owe on the computer, but I
21 don't write that down on my -- on my paper,
22 hard docket sheet, to know that, ma'am.

23 Q. Understood.

24 And do you know -- the first time that a
25 defendant appears before you at one of these cost

1 dockets, do you know if he or she is employed?

2 A. No.

3 Q. Do you ask them?

4 A. I do. I do ask them sometimes, you know,
5 "How have you been doing?" "Where are you working
6 at?" "Are you still working at Rib Crib?" Because,
7 like I say, I see these individuals in the community.

8 Q. Right.

9 And you say you ask sometimes. So do I take
10 from that that you don't ask every time?

11 A. That is correct, ma'am.

12 Q. Okay. Have you always sometimes asked
13 defendants, meaning have you asked since you first
14 started as a special judge?

15 A. Yes.

16 Q. And the first time that a defendant appears
17 before you at one of these cost docket reviews, do
18 you know if he or she has any dependents?

19 A. No, ma'am.

20 Q. Do you ask that question?

21 A. Sometimes.

22 Q. Again, sometimes, not all the time?

23 A. Correct.

24 Q. And the first time that a defendant appears
25 before you at one of these cost docket reviews, do

1 you know if he or she has a disability?

2 A. Sometimes.

3 Q. And so not all the time?

4 A. No. And I don't ask all the time.

5 Q. The first time that a defendant appears
6 before you at one of these cost docket hearings, do
7 you know if he or she has any fines, fees, or costs
8 levied against him or her in other counties in
9 Oklahoma?

10 A. No, ma'am.

11 Q. Do you ask that question?

12 A. Sometimes I do. And it depends. There's --
13 in Oklahoma, if you are discharged from the
14 Department of Corrections, from the penitentiary,
15 fines and costs can't be collected for 180 days. So
16 on the 181st day, you can start paying fines and
17 costs.

18 So I have implemented a system to allow if
19 someone -- it used to be you get out of the
20 penitentiary, you come to Washington County within
21 72 day -- 72 hours of your release and you start
22 paying fines and costs. Well, I changed that to
23 where you don't come back -- you can come in, but you
24 don't have to start paying until that 181st day. So
25 I have a different review for those individuals. And

1 I'll know that these individuals have discharged from
2 the Department of Corrections, and I will ask them,
3 "Do you have fines and costs in other counties?"
4 Sometimes they do, sometimes they don't. And then we
5 take that in consideration on what they want to set
6 their fee or their -- their fines and cost amount in
7 our county.

8 Q. And so you say that you changed that
9 procedure from a defendant appearing within 72 hours
10 of release to, you know, sometime 180 days later?

11 A. Correct.

12 Q. When did you make that change?

13 A. That would have been sometime after judge --
14 former Judge DeLapp left.

15 Q. And Judge DeLapp left around March 2018; is
16 that right?

17 A. I think it was August of 2018.

18 (Reporter clarification.)

19 BY MS. BURACK:

20 Q. So there's no centralized repository of all
21 the fines and costs and fees that defendants may owe
22 across multiple counties in Oklahoma; is that fair?

23 A. Not to my knowledge, yes, there's not.

24 Q. And the first time that a defendant appears
25 before you at one of these cost dockets, do you know

1 if he or she has any fines, fees, or costs imposed
2 against them in another state?

3 A. No, ma'am.

4 Q. Do you ask about that?

5 A. I don't think I've ever asked. Ma'am, I
6 don't think I've ever asked if you've got fines from
7 another state. But sometimes they'll tell us that
8 because we're pretty close to the Kansas border here
9 in Washington County. So that comes up. But I don't
10 believe I've ever specifically asked if you've got
11 fines and costs from another state jurisdiction,
12 ma'am.

13 Q. Understood.

14 So a defendant may offer that information, but
15 you don't ask about it?

16 A. Correct.

17 Q. So after their initial appearance at the cost
18 docket, the defendant is ordered to return on a
19 periodic basis; is that right?

20 A. Correct.

21 Q. And when a defendant returns to the cost
22 docket, do you ask if he or she is still employed?

23 A. Sometimes.

24 Q. Okay. So not every time?

25 A. Correct.

1 Q. And has it been your practice to ask some of
2 the time, since you started as a special judge?

3 A. Yes.

4 Q. When a defendant returns to the cost docket,
5 do you ask if there's been any change in their
6 financial status or financial condition?

7 A. Sometimes.

8 Q. And when a defendant returns to the cost
9 docket, do you ask if they're newly disabled or have
10 any new medical limitations?

11 A. Sometimes.

12 Q. But not all the time?

13 A. Correct.

14 Q. How often does a defendant -- how often do
15 these periodic reviews occur?

16 A. Oh, it's anywhere from a month to 2 months to
17 4 months. It depends on how -- say it's a traffic
18 ticket, and it's a \$200 ticket. I usually have those
19 a little bit quicker so people can get their traffic
20 tickets paid off. But if someone owes thousands of
21 dollars, and they've been paying consistently, I'll
22 set it out quite a ways, ma'am.

23 Q. And when you preside over the cost docket, do
24 you ever advise defendants that they have a right to
25 request counsel?

1 A. No.

2 Q. All right. So I'd like to pull up a
3 document. And with your indulgence, I'm going to try
4 to show it on my screen. I believe we sent you these
5 documents as well; so if you'd rather pull it up that
6 way, that's fine.

7 A. I printed some out this morning that my
8 attorney had forwarded to me; so --

9 Q. Oh, great. Excellent. So feel free to use
10 whichever -- whichever you prefer.

11 MS. BURACK: Cheryl, we'll go ahead and
12 open the document marked as tab 1 and mark that as
13 Exhibit 1.

14 (Whereupon, Deposition Exhibit No. 1 was
15 marked for identification and made part of the
16 record.)

17 THE WITNESS: I've got it.

18 BY MS. BURACK:

19 Q. And, Judge, you're welcome to look at the --
20 at the hard copy you have in front of you. I just
21 want to make sure that, looking on the screen, you
22 see what I see. It's a PDF document. The top of the
23 caption says "Washington County Online Payment
24 Instructions."

25 A. Yes, ma'am.

1 Q. There's a Bates at the bottom
2 STATE JUDGES 497.

3 A. Yes, ma'am.

4 Q. Okay. Well, I'm just glad the technology is
5 cooperating, at least this far.

6 So I'm going to direct you to the third page of
7 the document. And this is titled "Washington County
8 District Court Procedure, Re: Fines and Costs Review
9 Hearings."

10 Do you see that?

11 A. Yes, ma'am.

12 Q. Do you understand this document to set out
13 the Washington County procedures regarding the fines
14 and costs review hearing?

15 A. Yes. It has been amended somewhat, but, yes.

16 Q. So at least as of the time that this document
17 was created and disseminated, it set out the
18 procedure of the fines and costs review hearings; is
19 that right?

20 A. Yes.

21 Q. And now, am I right that the -- it's the
22 defendants that are the intended audience of this
23 document?

24 A. Yes.

25 Q. So it says "you" sort of throughout. And

1 when the document says "you," it's referring to the
2 defendants of the court; is that right?

3 A. Yes, ma'am.

4 Q. Okay. So is this document provided to
5 defendants at the fines and costs review hearings?

6 A. No. I don't believe this document is.
7 I believe this is down when they go to report, to
8 sign up with the cost administrator on the first
9 floor, to set up their payment plan.

10 Q. So is this something that would be available
11 to the defendant after they appear before you at
12 their initial cost docket review?

13 A. Yes, ma'am.

14 Q. In looking at the bottom of this document --
15 and I'm happy to zoom in if that would be helpful --
16 do you see the notation that reads April of --
17 "April 2019"?

18 A. Yes.

19 Q. So is that the date this form was created?

20 A. I believe so. Or implemented.

21 Q. Do you know if this form existed prior to
22 April 2019?

23 A. I don't believe it did. I do want to -- let
24 me talk about a question you just asked me, ma'am, if
25 they're able to get this at fines and costs dockets.

1 And I believe that is yes. My -- my clerk, Ms. Swan,
2 or Ms. Powell, will have this. Most of the -- they
3 don't get it every time because they've gotten it
4 once before, and we'll always ask them, "Do you
5 want to -- you know you can call in." Because I'm
6 always trying to get people to call so they don't
7 have to come to court. And if they say, "Yeah, I
8 want to call in," then we'll give them this.

9 So, I'm sorry, they are able to get a copy of
10 this at the -- at the fines and costs docket.

11 Q. Understood.

12 Ms. Swan, are those clerks -- are they minute
13 clerks during the cost docket review?

14 A. Yes, ma'am.

15 Q. So they're sitting in the courtroom and they
16 have some of these forms with them?

17 A. Yes. And we actually -- there used to be one
18 clerk in the fines and costs docket, but now we
19 utilize two clerks because one of the clerks will be
20 writing down the information on the docket and the
21 other clerk will be handing the defendant an
22 order-back slip, a Rule 8 notification form, and
23 potentially this form.

24 Q. Okay. So I believe -- let me just check to
25 see.

1 You testified just a moment ago that you don't
2 believe that this form existed prior to April 2019;
3 right?

4 A. That's correct.

5 Q. Did any form like it exist prior to
6 April 2019?

7 A. There would have been a fines and costs
8 letter or procedure that former Judge DeLapp had put
9 in place.

10 Q. Do you know if that letter or procedure that
11 former Judge DeLapp put in place was produced in this
12 case?

13 A. I believe -- I believe it was, ma'am.

14 Q. Did you have any involvement in the creation
15 of this form?

16 A. Yes.

17 Q. Did you provide any input on to -- into its
18 content?

19 A. Yes.

20 Q. Is there any specific events that
21 precipitated the creation and dissemination of this
22 form?

23 A. Just trying to make a better, more efficient
24 fines and costs docket for the defendants.

25 Q. What do you mean by "better"?

1 A. Well, people who are working in
2 Washington County, who have jobs, are defendants.
3 Their employers only have so much patience for them
4 to take off Fridays every couple of weeks and come
5 sit in court. Eventually, they'll tell them, "You
6 don't need to come to work anymore. We'll find
7 somebody that can work all day Friday every time."

8 So what we're trying do -- what we've done is
9 make a system where individuals never have to come
10 back to court for fines and costs. As long as
11 they're making some payment, they can call in and get
12 a new date over the phone, and so they won't have to
13 take off work or take out of school and have
14 childcare problems.

15 Q. So is it fair to say that the goal of this
16 form or of these -- the policies in this form is to
17 make it administratively easier for defendants in the
18 court?

19 A. Or it's to make it better for the defendants.
20 We're going to be here, the court; so, you know...

21 But, yeah, we're trying to -- at least my goal
22 is -- and the goal of our judges now is to make it
23 better and more -- and easier on the defendants when
24 it comes to fines and costs.

25 Q. Understood.

1 I'm going to show you another document now.

2 MS. BURACK: Cheryl, this is the document
3 as tab 2 that we can go ahead and mark as Exhibit 2.

4 (Whereupon, Deposition Exhibit No. 2 was
5 marked for identification and made part of the
6 record.)

7 BY MS. BURACK:

8 Q. And, Judge Sigler, let me know if you have it
9 in front of you.

10 A. I have it.

11 Q. Great.

12 And just to make sure that we're looking at the
13 same thing, do you recognize this as Section VIII of
14 the Oklahoma Rules of the Court of Criminal Appeals?

15 A. I do.

16 Q. Great.

17 And you understand that, in this litigation,
18 we've referred to this section as -- shorthand as
19 "Rule 8"?

20 A. Yes, ma'am.

21 Q. Are you familiar with Rule 8?

22 A. Yes, ma'am.

23 Q. Do you understand that Rule 8.1 requires a
24 hearing and judicial determination as to the
25 defendant's ability to immediately satisfy fines and

1 costs when the court imposes fines or costs upon a
2 defendant at sentencing?

3 A. Yeah. That's what -- that's what that
4 statute says, yes, ma'am.

5 Q. And is making that judicial determination
6 within the scope of 8.1 -- is that part of your
7 responsibility?

8 A. I believe it is, when I -- when I sentence
9 someone.

10 Q. So when you sentence someone in the traffic
11 and misdemeanor docket that you described earlier,
12 you understand that to be a hearing within the scope
13 of 8.1?

14 A. Yes, I do, ma'am.

15 Q. When you conduct the fines and fees reviews
16 during the cost docket, is that a hearing within 8.1?

17 A. It can be.

18 Q. When would it be a hearing within 8.1, in
19 your understanding?

20 A. Well, I -- this is more just how I conduct my
21 fines and costs docket. If someone comes up and they
22 say, "Judge Sigler, I lost my job. These are -- I'm
23 not able to make my payments now," and ask me to
24 suspend their fines and costs for a while, I'll do
25 that.

1 Or they'll say, "Judge, my -- my adult daughter
2 has moved back in with me, and the \$50 I'm paying a
3 month on fines and costs is a little bit high. Can
4 we put it down to \$25?"

5 "Sure."

6 So it's kind of a fluid docket; things pop up
7 and -- but...

8 So I do utilize that in some of my overseeing
9 of the fines and costs docket, but that doesn't
10 happen with every individual.

11 Q. And looking at the next section, 8.2. Do you
12 understand that this section requires a judicial
13 finding that a defendant is financially able to pay
14 his or her fines and costs before he or she can be
15 imprisoned for failure to pay?

16 A. Yes.

17 Q. And is making this judicial finding part of
18 your responsibilities?

19 A. It would be, but we don't -- I don't put
20 people in jail for not paying their fines and costs.

21 Q. Has that always been the case?

22 A. Pardon?

23 Q. Has that always been the case, that you don't
24 put people in jail --

25 A. No. I -- I have been -- in my past, I have.

1 But it's been very few. And not since --

2 Q. Not --

3 A. -- 2017 or -- since 2017 or 2018.

4 BY MS. BURACK:

5 Q. So I just want to make sure that I
6 understand. I apologize, I -- I inadvertently cut
7 you off there a moment ago.

8 Just to be clear, it's your testimony that
9 you've not sentenced anyone to jail for failure to
10 pay since 2017 or 2018?

11 A. That's my belief, yes, ma'am.

12 Q. Can you be, at all, more specific about the
13 timing there?

14 A. No. Because I see so many people. But I
15 know that it's -- I don't do that. So...

16 Q. So I understand your testimony that
17 imprisoning them for failure to pay no longer occurs.
18 But focusing on the period of time when it did occur,
19 did you understand those hearings to be hearings
20 within the scope of 8.2?

21 (Reporter clarification.)

22 THE WITNESS: Yes. That was -- that's what
23 the statue was at that time.

24 BY MS. BURACK:

25 Q. So when you conducted fines, costs, and --

1 well, I'm sorry. Scratch that. Let me start over.

2 When you conduct fines, costs, and fee reviews
3 during the cost docket, am I right that you no longer
4 make judicial findings that defendants are able to
5 pay under 8.2?

6 A. Yes. Because I don't incarcerate individuals
7 on that docket.

8 Q. Understood.

9 So looking now a little farther down at
10 Rule 8.4.

11 A. Uh-huh.

12 Q. Do you understand that Rule 8.4 requires a
13 judicial hearing if a defendant fails to make an
14 installment payment when due?

15 A. Yes.

16 Q. And is holding that judicial hearing part of
17 your responsibilities?

18 A. Yes.

19 Q. When you conduct the fines and fees reviews
20 during the cost docket, are you holding hearings
21 under Rule 8.4?

22 A. Well, no because I don't know if they -- they
23 missed an installment payment or not. That doesn't
24 concern me.

25 Q. And then, finally, Judge Sigler, I just want

1 to direct your attention to Rule 8.5 at the bottom of
2 the page.

3 A. Yes, ma'am.

4 Q. Do you understand that Rule 8.5 requires the
5 court to either relieve a defendant of his or her
6 fines and costs or suspend the payment obligations if
7 a defendant is unable to pay due to physical
8 disability or poverty?

9 A. Yes, ma'am.

10 Q. And when you oversee the cost docket, do you
11 make determinations of a -- of a defendant's ability
12 to pay their fines, fees, and costs under this
13 Section Rule 8.5?

14 A. Not on my fines and costs docket because I
15 put in place a Rule 8 stand-alone docket.

16 Q. So -- and I think we'll be talking about
17 those in a little bit.

18 But am I right, then, that you have Rule 8
19 hearings and, then, those are separate from the costs
20 docket?

21 A. Yes.

22 Q. Okay. And the Rule 8 hearings you understand
23 to be the hearing -- the determinations under
24 Rule 8.5?

25 MR. PEDERSON: Object to form.

1 THE WITNESS: Well, as I said before, I
2 do -- sometimes I have a mini Rule 8 hearing at the
3 fines the costs docket where I talk about the
4 process --

5 (Reporter clarification.)

6 THE WITNESS: So, as I said before,
7 sometimes we have a mini Rule 8 hearing at the fines
8 and costs docket or the costs docket, ma'am, where
9 I'll take -- just visit with our defendants and maybe
10 suspend their fines and costs and then come back at a
11 later time. I have waived fines and costs at a cost
12 docket before.

13 So I do utilize that sometimes on my costs
14 docket, ma'am. But like I -- also, like I said, I
15 have a specific smaller Rule 8 docket where an
16 individual can come in. We have more time to visit.
17 And we make a court reporter available, if they so
18 choose.

19 BY MS. BURACK:

20 Q. As a general matter, what circumstances would
21 render a defendant unable to pay their fines, fees,
22 and costs?

23 A. Well, unemployment, medical issues, medical
24 bills, just -- just life, just having things come up
25 in their lives that make it difficult for them to pay

1 their fines and costs.

2 Q. What about if a defendant lives below the
3 poverty line? Is that something that makes them
4 unable to pay?

5 A. It would be a factor, yes, ma'am.

6 Q. And as a general matter, what would qualify
7 as a physical disability, such that a defendant would
8 be unable to pay?

9 A. Well, of course, if they're not mobile and
10 they can't work. Or if they're on disability and
11 that -- they receive assistance and that negates
12 their ability to work.

13 Q. If a defendant has a long-term or permanent
14 disability, do you understand Rule 8.5 to require
15 their payment obligation to be relieved?

16 A. It can, yes.

17 Q. It can, but does it have to?

18 A. I believe it does.

19 Q. And I want to return to something we were
20 discussing here a moment ago.

21 You're familiar with something called a "Rule 8
22 hearing"; right?

23 A. Yes, ma'am.

24 Q. And you said that you'll sometimes conduct a
25 mini Rule 8 hearing during the costs docket, but you

1 also have separate times set aside for these Rule 8
2 hearings; is that right?

3 A. Yes, ma'am.

4 Q. Has that always been the case, that you
5 always have this separate time set aside for Rule 8
6 hearings?

7 A. It was not. When I first started, we didn't
8 have Rule 8 hearings. And we've implemented those as
9 I've been on the bench.

10 Q. When were the -- when were Rule 8 hearings
11 first implemented?

12 (Reporter clarification.)

13 THE WITNESS: Generally, it would have been
14 after former Judge DeLapp resigned. We started
15 coming up with a system that implemented the Rule 8s,
16 ma'am.

17 BY MS. BURACK:

18 Q. And do your responsibilities as a special
19 judge include presiding over Rule 8 hearings?

20 A. Yes, ma'am.

21 Q. Are you the only judge in Washington County
22 that conducts these Rule 8 hearings?

23 A. No. Well, I'm the only judge that has a
24 specific docket for those, ma'am. But as I -- we
25 talked about with my dockets, there can be mini

1 Rule 8s. Judge Thomas may conduct a Rule 8 on her --
2 one of her dockets. Judge Vaclaw may do one of the
3 mini Rule 8s on his docket. So they can -- they can
4 pop up and be effectuated pretty much any time.

5 But I am -- I guess to answer your question,
6 ma'am, I am the only judge that has a specific Rule 8
7 docket to be presiding over.

8 Q. So Judges Thomas and Vaclaw may handle Rule 8
9 hearings on an ad hoc basis, but you are the only
10 judge that has the regular institutionalized Rule 8
11 docket; is that fair?

12 A. That is fair, yes.

13 Q. Thank you.

14 And how often do you conduct these Rule 8
15 hearings?

16 A. I do them on Thursdays at 4:00 p.m., and
17 usually once or twice a month. But then again,
18 ma'am, it depends on what dockets. If we've got jury
19 trial, if -- if there's a vacation day in there. But
20 I always try to get a couple a month. Maybe it's one
21 a month sometimes and keep it limited to the amount
22 of people that I can visit with.

23 Q. Understood.

24 When did you first preside over one of these
25 Rule 8 hearings?

1 A. Well, the first Rule 8 hearing I presided
2 over was Mr. Arias, Daniel Arias.

3 Q. Do you remember when that was?

4 A. I don't. It might have been in 2017, 2018.
5 He was represented at that time by Ms. Beatty.

6 Q. But you don't recall presiding over any
7 Rule 8 hearings prior to Mr. Arias; is that right?

8 A. That's correct.

9 Q. Does every defendant in Washington County who
10 has fines, fees, and costs assessed against him or
11 her have a Rule 8 hearing?

12 A. They have -- well, no. But they have the
13 opportunity to have one, if they so choose.

14 Q. Understood.

15 But they don't all get Rule 8 hearings; is that
16 right?

17 A. Only if they ask for one, I guess, ma'am.

18 Q. And when a defendant appears before you
19 during one of these Rule 8 hearings, do you know if
20 he or she was previously represented by a public
21 defender due to indigency?

22 A. Sometimes.

23 (Reporter clarification.)

24 BY MS. BURACK:

25 Q. Is that something you ask?

1 A. No, ma'am.

2 Q. And when a defendant appears before you
3 during one of these Rule 8 hearings, do you know if
4 he or she is employed?

5 A. Sometimes, ma'am.

6 Q. You don't know it every time?

7 A. Correct.

8 Q. Do you ask?

9 A. Sometimes. But not every time, ma'am.

10 Q. And when a defendant appears before you for a
11 Rule 8 hearing, do you know if he or she has any
12 dependents?

13 A. No, ma'am.

14 Q. Do you ask?

15 A. Sometimes.

16 Q. Not every time?

17 A. Correct.

18 Q. When a defendant appears before you for a
19 Rule 8 hearing, do you know if he or she has a
20 disability?

21 A. Sometimes.

22 Q. Not every time?

23 A. Correct.

24 Q. And do you ask that?

25 A. I do.

1 Q. Every time?

2 A. I can't say every time, ma'am. I would say
3 the majority of the time. But then again, ma'am, I
4 guess the answer -- I guess I do know some of the
5 answer to your question because -- do I know if they
6 were represented by a public defender? Maybe because
7 I remember them from their cases.

8 Do know if they have dependents? Maybe because
9 sometimes they're in the courtroom with them.

10 And then with the disability, a lot of times --
11 most of the time if they have a disability, they will
12 bring me their disability paperwork and let me review
13 that at the Rule 8 hearing.

14 Q. So is it fair to say that -- excuse me.

15 Is it fair to say that you may know some of
16 this information, depending on the circumstances and
17 the evidence that's brought before you, but you do
18 not ask about this information during every Rule 8
19 hearing?

20 A. Not during every Rule 8 hearing, ma'am.
21 You're correct.

22 Q. Similar question: If a defendant appears
23 before you during one of these Rule 8 hearings, do
24 you know if he or she has any fines, fees, and costs
25 imposed against them in another county in Oklahoma?

1 A. Not unless they tell me, ma'am.

2 Q. Are Rule 8 hearings recorded or transcribed?

3 A. If they request, they are.

4 Q. So they're only recorded if the defendants
5 request that; is that right?

6 A. Correct.

7 Q. When the Rule 8 hearings are recorded, does
8 the court preserve and maintain those records or
9 transcriptions?

10 A. I think the court reporter will have them,
11 ma'am.

12 Q. And --

13 A. But at every -- if I may?

14 At every Rule 8 hearing, I ask the defendant if
15 they want a court reporter before we -- before we
16 begin.

17 Q. Is that court reporting service, is that
18 something -- does the defendant have to pay for that,
19 if they want it?

20 A. If they want the transcript?

21 Q. Well, I guess, first, if they want the
22 recorded -- if they want the proceedings themselves
23 recorded, do they have to pay for that?

24 A. No. I just call the court reporter in and
25 we -- she starts transcribing.

1 Q. So it's only if they -- if the defendants
2 want the actual copy of the transcript, they might
3 incur a cost for that?

4 A. And I'm not sure. There might be a fee for
5 the court reporter that's put on their fines and
6 costs, but I don't -- I'm not sure about that. But I
7 don't make them pay that upfront, if that -- if that
8 makes sense to you, ma'am.

9 Q. Okay. Understood.

10 So there -- you're not sure. There might be a
11 fee. If not -- if there is a fee, it's not levied at
12 that exact time, but it might be added to their
13 overall balance; is that right?

14 A. Yes, ma'am. Yes, ma'am.

15 Q. Okay. Do you know if any of these recordings
16 or transcriptions were produced in this case?

17 A. I don't know.

18 Q. All right, Judge. I'd like to do maybe one
19 more document and then we can take a break because I
20 know we've been going for about an hour this time, if
21 that is okay with you.

22 So I'm going go to what's marked as tab 4.

23 A. Yes.

24 MS. BURACK: And, Cheryl, if you can go
25 ahead and mark that as Exhibit 3.

1 (Whereupon, Deposition Exhibit No. 3 was
2 marked for identification and made part of the
3 record.)

4 BY MS. BURACK:

5 Q. And, Judge, again, I apologize, but I just
6 want to make sure we're looking at the same thing,
7 given your -- given the remote nature of this.

8 Do you recognize this document as a template
9 form for a motion for a Rule 8 hearing?

10 A. Yes.

11 Q. And do you recognize this document? Are you
12 familiar with this?

13 A. Yes.

14 Q. What is it?

15 A. This is a request, a petition by defendant to
16 schedule a Rule 8 hearing so we can evaluate an
17 individual's ability to pay their fines and costs
18 obligation.

19 Q. So is this form something that a defendant
20 would fill out?

21 A. Yes.

22 Q. Where would they get this form from?

23 A. They can get it at the fines and costs
24 docket, they can get it -- whenever my clerk is with
25 me -- Gina -- she has them. Because we utilize

1 different courtrooms for the different dockets. They
2 can get it downstairs at the first floor, with the
3 cost administrator. Or I think probably any of the
4 minute clerks downstairs on the first floor. At the
5 court clerk's office, they'll have the ability to
6 hand these out.

7 Q. And once the defendant obtains this form and
8 fills it out, where -- who do they submit it to?

9 A. They're going give it -- well, again, they
10 can give it -- well, I mean, sometimes they give it
11 to me in the cost docket because they'll fill them
12 out right there. They'll give them to Gina, my --
13 Gina Swan, my court clerk. They'll give them to any
14 court clerk downstairs in -- in the clerk's office.
15 Or Glenda Powell, the cost administrator.

16 Q. And following submission to one of the people
17 that you just mentioned, am I right that, then, this
18 form makes its way to you?

19 A. It does. And I don't know if it's this form
20 or another form because the form that I fill out, it
21 has a little bit more on the bottom. And it just --
22 it has an order setting hearing date. So I would --
23 I would have -- there's another paragraph. This
24 is -- maybe it's a different form, but it's the same
25 information. It just allows me an opportunity to

1 look at my calendar and, then, to calendar in my
2 personal calendar and, then, to send it back
3 to the -- or notify -- someone notifies the defendant
4 of the time and date of the Rule 8 hearing.

5 Q. Okay. So following your receipt of this
6 form, you, then, go ahead and schedule the Rule 8
7 hearing?

8 A. Correct.

9 Q. Has this form always been available at the
10 Washington County courthouse?

11 A. I don't think so.

12 Q. Do you know when it first became available?

13 A. Probably sometimes after former Judge DeLapp
14 moved on.

15 Q. So sometime after August 2018?

16 A. Yes, ma'am.

17 Q. And prior to this form being available and
18 distributed at the courthouse, do you have an idea of
19 how many Rule 8 hearings were held in
20 Washington County in a given month?

21 A. I don't. It wouldn't be very many.

22 Q. So fair to say that prior to this form -- in
23 the time period prior to when this form was available
24 and distributed, Rule 8 hearings were held
25 infrequently?

1 A. I would say that's correct. I mean we
2 don't --

3 Q. Are we talking --

4 A. -- I don't believe there was a stand-alone
5 docket for those.

6 Q. Do you know if there were any Rule 8 hearings
7 prior to this form being available in August of 2018?

8 A. I'm not sure, ma'am.

9 Q. And if there were some, do you have an idea?
10 Would there be, like, you know, maybe two to five a
11 month? Was it more than that?

12 A. I really -- I don't know, ma'am, to put a
13 number on it.

14 Q. Okay. That's fine.

15 MS. BURACK: I think now may be a good time
16 to break, if that works for you and Devan.

17 THE WITNESS: Well, I do have dockets this
18 afternoon; so I'm good with just going, going on, if
19 you guys are.

20 MS. BURACK: I think it would be helpful to
21 take, maybe, 5 minutes, if you don't mind. I am
22 conscious of your time limitation; so we will
23 certainly -- is that all right, Devan?

24 MR. PEDERSON: Yeah. I mean, if we can
25 keep it to 5 minutes. He does have to get going.

1 So, yeah, if we could just do that. And then we'll
2 probably finish up after this break. We'll push on
3 through without a lot more breaks. Do you think?

4 MS. BURACK: Yeah. I'm not planning to
5 sort of break, but I think 5 minutes would be
6 helpful.

7 THE REPORTER: We'll be off the record.
8 The time is 10:00.

9 (Break was taken: 10:00 a.m. to 10:07 a.m.)

10 THE REPORTER: We're back on the record.
11 The time is 10:07 a.m.

12 BY MS. BURACK:

13 Q. Judge Sigler, earlier you mentioned a Rule 8
14 hearing or a request for Rule 8 hearing made by an
15 individual named Daniel Armando Arias; is that right?

16 A. Yes.

17 Q. I'm going to show you now the document that's
18 at tab 5 in your binder.

19 MS. BURACK: Cheryl, we can go ahead and
20 mark this -- I believe we're up to Exhibit 4.

21 (Whereupon, Deposition Exhibit No. 4 was
22 marked for identification and made part of the
23 record.)

24 BY MS. BURACK:

25 Q. Judge Sigler, do recognize this is as the

1 motion for a Rule 8 hearing filed by Mr. Arias?

2 A. This is (indicating)?

3 Q. Oh, I'm sorry, I'm not sharing my screen with
4 you. I apologize. Yes, that is the one. Thank for
5 you sharing it. I will share my screen as well.

6 And I believe the document up on the screen is
7 the same one that you --

8 A. Yes. That's correct. I do -- I do identify
9 that as the request for a Rule 8 hearing and motion.

10 Q. Great.

11 And just -- now, this is different than the
12 form motion that we were looking at just a moment
13 ago; right?

14 A. Yes.

15 Q. And according to the stamp in the top right
16 of this document, the motion was filed in October of
17 2017; is that right?

18 A. Yes.

19 Q. And I believe you said earlier this motion
20 was filed by Mr. Arias' lawyer, Ms. Carol Beatty; is
21 that right?

22 A. "Beatty."

23 Q. "Beatty." Apologies.

24 And Ms. Beatty is a legal aid attorney?

25 A. She was at the time, yes.

1 Q. And you went on to preside over a Rule 8
2 hearing for Mr. Arias; is that right?

3 A. Yes, ma'am.

4 Q. But you don't recall presiding over any
5 Rule 8 hearings before the case of Mr. Arias?

6 A. I don't believe so.

7 Q. So setting aside those cases where a
8 defendant specifically requests a Rule 8 hearing,
9 either by the form that we were looking at or by a
10 motion like this one filed by counsel, can you think
11 of any instance where you elected to hold a Rule 8
12 hearing on your own accord?

13 A. Yes.

14 Q. And when was that?

15 A. Well, I've done it numerous times. I know --
16 like I -- like I talked about, I know the individuals
17 in our community. I know, you know, their
18 mental health status sometimes, based upon them being
19 in front of me. I know their physical health status,
20 based upon them being in front of me. And I will say
21 sometimes at my misdemeanor dockets when they come
22 up, I'll say, you need -- you want -- you know, you
23 need -- well, I guess I do it a couple of ways.
24 I'm sorry, I'm getting off point.

25 But, yes. On the fines and costs docket, I

1 will tell them -- have Gina -- when I -- Gina Swan.
2 When I say "Gina," it's my minute clerk, ma'am.

3 Gina will hand them a petition for Rule 8
4 hearing, and I'll say, "You fill it out and you
5 submit that, Mr. or Mrs. Fill in the blank."

6 And then I encourage them and ask them to fill
7 that out so we can have a chance to visit regarding
8 their situation.

9 Q. And do you recall the first time that you
10 requested a defendant fill out one of those motions?

11 A. I -- I don't, ma'am. I'm sorry.

12 Q. Do you have a ballpark estimate of how many
13 times you've made that request?

14 A. It would be a few. I don't know. It's more
15 than -- I do it quite often. If individuals are --
16 if it's obvious that they're in a bad situation, I'll
17 have them do that, ma'am.

18 Q. So at least on some occasions, you'll request
19 that a defendant holds -- apologies, let me start
20 over.

21 So at least on some occasions, you'll request
22 that a defendant complete the motion for a Rule 8
23 hearing; right?

24 A. Correct.

25 Q. But you won't schedule and hold that hearing

1 unless the defendant, then, goes ahead and completes
2 and submits the motion?

3 A. No. That's not always the case. I have -- I
4 have scheduled them, just, "Okay. Mr. Smith, we'll
5 see you on next Thursday at 4:00 p.m., in courtroom
6 2B."

7 Q. How frequently has that occurred, where
8 you'll just schedule a Rule 8 hearing absent a motion
9 from the defendant?

10 A. Not as frequently as me just requesting them
11 to petition the court, ma'am.

12 Q. Have you ever appointed counsel for
13 defendants for a Rule 8 hearing?

14 A. I have not.

15 Q. So let's go back to the document that
16 I believe was Exhibit 1.

17 (Reporter clarification.)

18 BY MS. BURACK:

19 Q. So we're back with Exhibit 1. And I want to
20 ask you, Judge, about, now, the material at page 2 of
21 this document, which is on the Bates page ending in
22 498. Do you see that?

23 A. I do.

24 Q. Okay. And this page has the caption "Rule 8
25 Notice to Defendant." Do you know what this is?

1 A. I do.

2 Q. And so what is it?

3 A. Okay. It is what we give each defendant
4 at -- at least when I sentence individuals, they get
5 this. Before they head down to the cost
6 administrator. I also recite this -- I have my own
7 recitation of this that I say to every individual
8 who's been sentenced on my docket.

9 Q. So this is something that the defendants get
10 at sentencing?

11 A. Correct.

12 Q. And do you -- when you say you recite this to
13 every individual who's been sentenced under your
14 docket, are you reciting that during the sentencing
15 proceedings?

16 A. I -- do you want me to tell you what I do?

17 Q. Yes. That would be great.

18 A. Okay. So what I'll do is: We'll go through
19 the plea form -- say it's Mr. Smith. We'll go
20 through the plea form. We go through the probation
21 form. And then I say, "Mr. Smith, you're going to
22 have some fines and costs that are associated with
23 this action." And I look at him and I say,
24 "Mr. Smith, you want to pay those in installment
25 payments; correct?" And I shake my head because they

1 need to pay them in installment payments. If not, it
2 would be due in total at that time.

3 And I say, "Mr. Smith, if there's ever a time
4 in the future that you can't make your fines and
5 costs obligations, due to poverty or disability, you
6 can always petition the court for a Rule 8 hearing
7 and we can reevaluate your ability to pay.

8 Q. And so do the defendants get this Rule 8
9 notice during the fines and costs reviews?

10 A. They can, yes. We were handing them out.

11 And also, ma'am, I forgot. The last thing I
12 say to them is I say, "How much do you want to pay
13 per month?" And I say, "You can set up any amount
14 you want." Some people do \$5, some people do \$10,
15 and some people say \$25. If they ever say 100 or
16 150, I say, "Are you sure about that? Because you're
17 going to have \$40 per month, usually, in probation
18 fees." So I give them the opportunity to set it up
19 for any amount that they so choose that they believe
20 is appropriate with their budget.

21 Q. When you have that colloquy with defendants
22 at sentencing, do you know what the total amount of
23 fines, fees, and costs is at that time?

24 A. No. I mean, I could look that up, but, no, I
25 don't -- I don't know that. Because there's certain

1 figures that wouldn't -- you could give an
2 approximation, ma'am, but there's certain figures
3 that haven't come -- haven't come back yet to be
4 added into their total fines and costs obligation.

5 Q. Understood.

6 And you say that the defendants can name their
7 price, effectively. Has that always been the case?

8 A. No, ma'am.

9 Q. So previously, the court would simply say a
10 defendant -- you, defendant, need to pay a certain
11 amount each month?

12 A. One judge would, yes.

13 Q. What judge?

14 A. One judge would. Former Judge DeLapp would
15 set a minimum payment for individuals.

16 Q. Did you ever set minimum payments?

17 A. No.

18 Q. That has been your practice since you first
19 joined the bench as a special judge, to let the
20 defendants select the amount that they feel they're
21 able to pay?

22 A. Well, since I -- no. It was -- it was not.
23 Since I've been a judge, a special judge, it's not
24 been that way. It used to be that Judge DeLapp
25 would -- it was an unwritten rule that there was a

1 minimum amount that was going to be assessed. And
2 individuals would -- even if I sentenced someone,
3 they would go down -- and that was the rule, in which
4 the minimum amount was set for the fee [sic], ma'am.

5 Q. What was the minimum amount that was under
6 the unwritten rule?

7 (Reporter clarification.)

8 THE WITNESS: I think the majority of the
9 time, it was \$75.

10 BY MS. BURACK:

11 Q. What if the defendant says to you, "I can't
12 pay anything. I can pay zero dollars a month"?

13 A. I've never had that happen. At -- well, are
14 you referring to at a Rule 8 hearing or at the time
15 of sentencing?

16 Q. At the time of sentencing.

17 A. Are you asking me what I would do if that
18 happened? Because I've never had that happen where
19 someone says, "I can't pay anything."

20 Q. And what about if -- have you ever had a
21 defendant say that to you at a fines and costs
22 review, that they can't pay anything?

23 A. Yeah. I've had them -- well, have I ever had
24 someone say, "I can't pay anything anymore at a fines
25 and costs review"? I don't think I have. I've had

1 individuals say that, you know, "I lost my job,"
2 "things have come due," this and that, and they say,
3 "I can't pay anything right now."

4 But I've never -- I don't believe I've ever had
5 anybody say, "I can't pay anything anymore." And if
6 they did say that, I would say, "Well, I will
7 petition for a Rule 8 hearing and we can reevaluate
8 that."

9 Q. And a moment ago you were discussing the
10 practice when Judge DeLapp was sitting on the bench.
11 So am I right that the practice, then, changed
12 sometime after August of 2018?

13 A. Yes.

14 Q. Going back to this document for a moment.
15 The notice says that the defendant is, quote,
16 "...entitled to request a Rule 8 hearing," if he or
17 she is unable to pay due to disability or poverty;
18 right?

19 A. Correct.

20 Q. It doesn't say that the court will conduct a
21 Rule 8 hearing absent a request from the defendant;
22 right?

23 A. It does not say that -- correct. It does not
24 say that.

25 Q. Have these notices been given to defendants

1 during your entire tenure as a special judge?

2 A. No, ma'am.

3 Q. And when were they first distributed?

4 A. I don't have an exact date on that, ma'am.

5 Q. Do you know if it was before or after August
6 of 2018?

7 A. It would have been after.

8 Q. You can put that document to the side now.

9 When you were appointed as the special judge to
10 oversee the cost docket, did you receive any guidance
11 on how to conduct those reviews?

12 A. Judge DeLapp gave me kind of a couple-page
13 document describing my different responsibilities.
14 And I believe there's a segment on the fines and
15 costs docket.

16 Q. Do you know if that document was produced?

17 A. I believe it was.

18 Q. And was that the sum total of the guidance
19 you received on the handling of the cost docket when
20 you became a judge?

21 A. Yes, that I received, yes.

22 Q. Did you receive any training on how to
23 conduct the cost docket reviews?

24 A. No, ma'am.

25 Q. Did you receive any training or education on

1 what is required by Rule 8 when you first became a
2 judge?

3 A. No, ma'am.

4 Q. Have you received any training on what is
5 required by a Rule 8 subsequently, at any point in
6 your time on the bench?

7 A. No training, no, ma'am.

8 Q. Did you receive any training on Rule 8 when
9 you were an ADA?

10 A. No, ma'am.

11 Q. Have you received any training on what the
12 federal constitution requires when imposing fines,
13 fees, and costs on criminal defendants, when you
14 first became a judge?

15 A. No training, no, ma'am.

16 Q. Did you receive any training or education on
17 federal requirements at any point in your time on the
18 bench?

19 A. Regarding fines and costs?

20 Q. Yes. I'm sorry. I can ask it again, just to
21 be clear.

22 Did you receive any training or education on
23 federal constitutional requirements related to fines,
24 fees, and costs imposed on criminal defendants at any
25 point in your time on the bench?

1 A. I'm not sure if, at our judicial conferences,
2 they review that material or not. But that would be
3 a place where I would receive that type of training,
4 if it was offered, ma'am.

5 Q. Did you receive any training or education on
6 what the Oklahoma constitution requires when imposing
7 fines, fees, and costs on defendants, when you first
8 became a judge?

9 A. No.

10 Q. Did you receive any training or education on
11 the state's constitutional requirements when imposing
12 fines, fees, and costs on criminal defendants, at any
13 point since in your time on the bench?

14 A. I may have. And that would have been at one
15 of those judicial conferences, ma'am.

16 Q. How often are those judicial conferences
17 held?

18 A. They're yearly. But we didn't have one this
19 year, in -- during July, down in Oklahoma City. But
20 we didn't have one due to the pandemic this year.
21 I think it was virtual.

22 Q. Understood.

23 So you've attended two to three of these
24 judicial conferences in your time on the bench?

25 A. Yeah. Maybe two, ma'am. Maybe two or three,

1 yes, ma'am.

2 Q. Have you received any guidance on what
3 Oklahoma statutes require when imposing fines, fees,
4 and costs on defendants, when you first became a
5 judge?

6 A. No.

7 Q. And have you received any guidance or
8 training on what Oklahoma statutes require when
9 imposing fines, fees, and costs on defendants in the
10 time subsequent?

11 A. It would be -- it would be at the judicial
12 conference or -- if any, ma'am.

13 Q. But nothing comes to mind right now?

14 A. No, ma'am.

15 Q. I'd like to share another document. This is
16 at tab 7.

17 MS. BURACK: Cheryl, we can go ahead -- and
18 I think we're up to Exhibit 5. This will be marked
19 as Exhibit 5.

20 (Whereupon, Deposition Exhibit No. 5 was
21 marked for identification and made part of the
22 record.)

23 BY MS. BURACK:

24 Q. I know you have it in front of you, but I'm
25 going to show it on my screen as well.

1 A. Yeah. I didn't print that one out because --

2 Q. Okay. Great. Well, it's on my screen. If
3 there's -- if you need me to zoom in or move around
4 the page, please let me know.

5 Can you see this okay right now?

6 A. I can.

7 Q. Okay. Have you ever seen this document?

8 A. I haven't.

9 Q. You understand at the bottom it says,
10 "Sponsored by the Oklahoma Supreme Court," and it's
11 titled "Court Cost Collections."

12 Do you see that?

13 A. I do.

14 Q. Was this document ever provided to you as --
15 while you've been on the bench?

16 A. No.

17 Q. I'm going to go to page 5. This says, "Cost
18 Collection Workshop 2009. Administrative Office of
19 the Courts."

20 Now, I understand you were not on the bench in
21 2009.

22 A. Correct.

23 Q. My question is: Have you ever attended a
24 cost collection workshop?

25 A. I have not.

1 Q. Do you have any idea why the letter S on this
2 page has been replaced with dollar signs?

3 A. I do not.

4 Q. We can skip ahead now to page 7, 7 of the PDF
5 which has a 3 on the actual bottom of the page
6 itself.

7 And this page is titled "Criminal Case
8 Sentencing." And then you see that the second line,
9 it reads: "The principles for collecting fines,
10 fees, costs, and assessments are the same at both the
11 time of the entry of the judgment and sentence or in
12 conducting Rule 8 hearings."

13 Do you see that?

14 A. I do.

15 Q. Do you agree with that statement?

16 MR. PEDERSON: Object to form.

17 THE WITNESS: I don't.

18 BY MS. BURACK:

19 Q. Why not?

20 A. Well, at a Rule 8 hearing, there's going to
21 be some situation, some circumstance that, I would
22 imagine, has changed between the time of sentencing
23 and the time a Rule 8 is being conducted, which the
24 court is to evaluate circumstances involving
25 disability or poverty of the defendant.

1 Q. Do you disagree that the principles
2 applicable to Rule 8 hearing are the same as at the
3 time of sentencing?

4 MR. PEDERSON: Object to form.

5 THE WITNESS: Well, I -- I don't know if
6 you're asking me globally or when I am conducting
7 these two separate hearings.

8 BY MS. BURACK:

9 Q. Do you apply the same principles at
10 sentencing as during the Rule 8 hearing?

11 MR. PEDERSON: Object to form.

12 THE WITNESS: Do I?

13 BY MS. BURACK:

14 Q. Yes.

15 A. I try to, yes.

16 Q. And so, globally, would you agree with the
17 statement that the principles of the two are the
18 same?

19 MR. PEDERSON: Object to form.

20 THE WITNESS: No. Because individually and
21 globally, I have the same ideology, ma'am.

22 BY MS. BURACK:

23 Q. I want to skip ahead in this document and now
24 direct you to page 34 of the PDF, which is --
25 I'm sorry. Yeah. This is a slide that says -- it's

1 titled "Careful Considerations for Judges."

2 And then do you see the line numbered number 3
3 reads: "Waiving the payment of fees and costs sends
4 the wrong message to every other defendant"?

5 Do you see that?

6 A. Yes.

7 Q. Do you agree with that statement?

8 A. No.

9 Q. What parts do you disagree with? Or what
10 about it do you disagree with?

11 A. Well, some individuals are going to be
12 entitled to waiver of their payment of fines and fees
13 and costs. They're entitled to that. Some may not
14 be entitled to that at a given time.

15 I don't think it's -- I don't know about -- I
16 don't -- I don't see that the collection of fines and
17 costs has a message within it.

18 Q. Understood. You can set that aside for now.

19 Judge Sigler, have you ever heard of something
20 called a bench card?

21 A. Yes.

22 Q. What is a bench card?

23 A. Well, a bench card is compiled, usually, by
24 one of the courts, one of the higher courts or the
25 office -- the Administrative Office of the Courts.

1 And it's just kind of a synopsis of a guide, just
2 a -- maybe something that you can utilize while
3 you're on the bench that's easy to -- first of all,
4 it's pretty short in nature. And it's bullets, so
5 you can kind of just, you know, use it as a
6 reference, a quick reference.

7 Q. Are there any bench cards related to fines,
8 fees, and costs that are used at sentencing?

9 A. I don't use one.

10 Q. Do you know if one exists?

11 A. I have seen bench cards regarding fines and
12 costs and Rule 8 hearings. I don't know who compiled
13 those, but I do -- I have reviewed those.

14 Q. In what context have you seen those bench
15 cards regarding fines and costs and Rule 8 hearings?

16 A. In a hard form and maybe an email.

17 Q. So there are bench cards -- well, let me ask
18 a different way.

19 Are there bench cards that are used during the
20 fines and costs reviews?

21 A. No. I don't use one, no. But if other
22 judges do, I don't know, ma'am.

23 Q. And are there bench cards that are used
24 during the Rule 8 hearings?

25 A. I do not utilize any bench cards.

1 Q. But do you know if such bench cards exist?

2 A. Yes. There are bench cards that are in
3 existence -- existing that identify fines and costs
4 procedure -- or best practice, I guess.

5 Q. And are those bench cards, are they -- are
6 they in final form? Meaning, are they -- you know,
7 have they been disseminated? Are they used right
8 now?

9 A. I don't know about that. I don't know if
10 they've been -- the final format disseminated. I
11 don't know.

12 Q. Do you recall when you first saw one of those
13 bench cards?

14 A. It would have been after August of 2018.

15 Q. But you don't use any such bench cards now in
16 your conduct of either the cost docket or the Rule 8
17 hearing?

18 A. No, ma'am.

19 Q. Do you know if any of these bench cards were
20 produced in this case?

21 A. Yeah.

22 Q. Yes, you know? Or yes, they were produced?

23 A. Yes, I know. But -- I believe that Devan has
24 that, but it -- regarding the final format or not.

25 THE WITNESS: Is that correct, Devan?

1 MR. PEDERSON: Yeah. Those -- I believe,
2 if I remember correctly, those were withheld based on
3 a privilege. I think we did a privilege log, if I'm
4 thinking of the right thing.

5 BY MS. BURACK:

6 Q. Okay. I'm just trying to understand and
7 not -- you know, not for us to take up too much time
8 going back and forth on, you know, privilege issues
9 and whatnot. I'm just trying to understand if there
10 are final bench cards in existence somewhere?

11 A. I don't believe they're final. I believe
12 that may be something that -- I don't know. I don't
13 think they were ever disseminated by the office --
14 the Administrative Office of the Courts or the
15 Supreme Court or the Court of Criminal Appeals.
16 I think it just might have been something in the
17 making or work in progress, if it may.

18 Q. I understand. I appreciate the
19 clarification. Thank you, Judge.

20 Are you -- so are you aware, then, that there's
21 been ongoing discussion to revise these bench cards?

22 A. Well, yes. I would say there's been an
23 ongoing discussion to revise the procedures for
24 collection of fines and costs in the state of
25 Oklahoma.

1 Q. And are you involved in those discussions?

2 A. Not outside of this -- not outside of this
3 courthouse. I mean I -- no, not -- not anything
4 bigger than what we're trying to do here in
5 Washington County and Nowata County.

6 Q. You've presided over fines and costs reviews
7 involving both Ms. Feenstra and Ms. Carter; is that
8 right?

9 A. Correct.

10 Q. So you're familiar with my client,
11 Ms. Amanda Feenstra?

12 A. Yes.

13 Q. Am I right that you were the assistant
14 district attorney who prosecuted her in her
15 underlying forgery case in 2014 and 2015?

16 A. Yes, ma'am.

17 Q. And subsequent to her conviction and
18 incarceration for that case, Ms. Feenstra has
19 appeared before you for fines, fees, and costs review
20 hearings; right?

21 A. Yes. In the past. It would have been a
22 while ago.

23 Q. Correct.

24 When Ms. Feenstra first showed up for her first
25 costs docket appearance, did you recuse yourself, on

1 account of your prior role as the prosecutor in her
2 underlying conviction?

3 A. I did not, ma'am.

4 Q. Did you seek any guidance from anyone at the
5 courthouse on whether you should recuse yourself?

6 A. I did not, ma'am.

7 Q. Did you consult any ethics rules or opinions
8 on the subject of recusal?

9 A. I did not.

10 Q. Do you ever check when -- when defendants
11 appear before you under the costs docket, do you ever
12 check if you were the prosecuting assistant district
13 attorney for their underlying criminal case?

14 A. Most of the time, I don't have to check
15 because I -- we're a small county and I usually know
16 them.

17 Q. So you'll usually recall or remember if a
18 defendant appeared before you?

19 A. Yes.

20 Q. Now I'd like to show you a document that's
21 been marked tab 8 in your binder. I'm happy to share
22 that as well on the screen.

23 MS. BURACK: And, Cheryl, we will go ahead
24 and mark this document as well. I believe we're up
25 to Exhibit 6.

(Whereupon, Deposition Exhibit No. 6 was marked for identification and made part of the record.)

BY MS. BURACK:

Q. Are you with me, Judge?

A. Yes, ma'am.

Q. Great.

Do you recognize this document as -- we'll call it a schedule of Ms. Feenstra's appearances, fines, and payments in Washington County?

A. Yes. Yes. Fines and costs docket payment sheet, yes.

Q. Great.

And I'm going to direct your attention on the first page, sort of the first -- there's a caption box at the top, and then underneath that there's fields titled "Dates Records." And it looks like it has a list of appearances.

Do you see that?

A. Yes.

Q. Okay. And, for example, it looks like it has Ms. Feenstra appears fines and costs docket in May of 2017, and then the list continues; is that right?

A. Yes.

Q. Do you know if there are recordings or

1 transcriptions of Ms. Feenstra's appearances at the
2 costs docket?

3 A. I would say there's not.

4 Q. Are there ever -- are there any recordings or
5 transcriptions of the costs docket hearings?

6 A. No. Other than minutes that are, you know,
7 taken and put in by the clerks. But nothing is
8 memorialized through a court reporter or anything of
9 that nature.

10 Q. So there are no records or transcriptions of
11 the cost docket hearings; is that right?

12 A. Right. No transcriptions, correct.

13 Q. And those minutes that you mentioned, those
14 are taken by the minute clerk?

15 A. Correct, ma'am.

16 Q. And who would that be?

17 A. Well, usually, it's going to be Gina Swan or
18 our cost administrator, Glenda Powell. If they're
19 out due to vacation or illness or, you know, multiple
20 things, it would be a different deputy clerk from the
21 court clerk's office.

22 Q. And are those minutes -- the ones that are
23 taken, are those minutes preserved and maintained by
24 the courthouse?

25 A. Yes. They're entered into the computer by

1 the court clerk.

2 Q. And then are they maintained in perpetuity?
3 Or are they just --

4 A. I'm not sure. I don't know what each clerk
5 does.

6 Q. I'm going to show you now a document that
7 says tab 9 in your binder.

8 A. Yes.

9 MS. BURACK: Cheryl, go ahead and mark that
10 as Exhibit 7.

11 (Whereupon, Deposition Exhibit No. 7 was
12 marked for identification and made part of the
13 record.)

14 BY MS. BURACK:

15 Q. Judge Sigler, do you recognize this document
16 as an Order Remanding Defendant Amanda Marie Ackerson
17 to Jail for Failure to Pay Fines and Costs?

18 A. I do.

19 Q. And do you understand that Ackerson is
20 Ms. Feenstra's maiden name?

21 A. Yes, ma'am.

22 Q. So you recognize -- you're familiar with this
23 document as an order issued on May 10, 2018,
24 remanding Ms. Feenstra to jail for failure to pay her
25 fines and costs; right?

1 A. Correct.

2 Q. And is that your signature at the bottom of
3 the form?

4 A. It is.

5 Q. Do you recall if Ms. Feenstra appeared at the
6 courthouse on the day that this warrant [sic] was
7 issued?

8 A. Well, this is -- is there a warrant that
9 you're going to show me? This isn't a warrant.

10 Q. I'm sorry. The day this order was issued.

11 A. On the -- I don't.

12 Q. The first paragraph of this order reads
13 the -- the defendant appeared in person. Any reason
14 why that wouldn't be right?

15 A. Well, she probably would have been -- well,
16 she would have been on the video screen. We did a
17 closed circuit, if it was a time in which we were
18 doing closed circuit.

19 Q. Understood.

20 So she was appearing via video screen from the
21 jailhouse?

22 A. Yes. I think. I think. Unless it was a
23 time -- they used to do it not -- they used to have
24 the individuals brought over. But I think it was --
25 at this time, we were doing it via -- via video,

1 closed circuit television.

2 Q. And so this is an order remanding
3 Ms. Feenstra to jail for failure to pay; right?

4 A. That's what it's -- that's what it's
5 entitled, yes.

6 Q. Do you recall how far behind she was on her
7 payments at this time?

8 A. No.

9 Q. Do you know how much she had failed to pay
10 that precipitated the issuing of this order?

11 A. Well, this order actually is a document that
12 was utilized that was utilized in error by the
13 district court. Because back at this time, it would
14 have been Ms. Ackerson failed to appear for fines and
15 costs review and a warrant was issued for arrest.

16 So this document is -- was utilized, and we --
17 we have discontinued the use of this document because
18 it was not an appropriate or correct document
19 regarding what was happening in court.

20 Q. So I just want to make sure I understand.

21 You say this document was utilized in error.
22 What do you mean by that?

23 A. Well, Ms. Ackerson wasn't remanded for
24 failure to pay. She was -- there was a warrant
25 issued for her arrest for failure to appear. And

1 that's -- back during this time, ma'am, even the
2 failure to appear warrants for fines and costs were
3 failure -- they were entitled "failure to pay
4 warrants," which was incorrect. And so I had -- that
5 was one of the first things that I got moving, to
6 change those, because the document wasn't correct in
7 and of itself.

8 Q. So your testimony is that one of the changes
9 that Washington County has made is to change the
10 caption of this form from failure to pay to failure
11 to appear?

12 MR. PEDERSON: Object to form.

13 THE WITNESS: It's not this form, but --
14 but the failure to appear warrants are now failure to
15 appear; they used to be failure to pay. And then, in
16 the body, it would say failure to pay, failure to
17 appear.

18 No one gets issued -- no one's issued a
19 warrant in Washington County for failure to pay.

20 BY MS. BURACK:

21 Q. At the time you issued this warrant,
22 Ms. Feenstra was not current on her payments; is that
23 right?

24 MR. PEDERSON: Object to form.

25 THE WITNESS: I don't know, ma'am.

1 BY MS. BURACK:

2 Q. Did you know at the time that you issued the
3 warrant whether or not Ms. Feenstra was current on
4 her payments?

5 MR. PEDERSON: Object to form.

6 THE WITNESS: Well, this isn't the
7 warrant --

8 BY MS. BURACK:

9 Q. I'm sorry, I apologize. I misspoke.

10 Do you know at the time you issued this order
11 whether or not Ms. Feenstra was current on all of her
12 payments?

13 A. No.

14 Q. Did you ask?

15 A. Well, she was in custody on a failure to
16 appear -- well, she was in custody, I believe, on a
17 failure to pay warrant, which, in actuality, is a
18 failure to appear warrant, but the forms in which
19 were utilized were outdated and not correct. They
20 didn't -- they didn't identify what was occurring in
21 the courtroom.

22 Q. Do you see on this order -- in the second
23 paragraph, it says, sort of kind of the final clause,
24 "The Court makes the following findings of facts and
25 conclusions of law"; right?

1 A. Correct.

2 Q. And then there's -- and there's a date. That
3 presumably gets filled in; is that right?

4 A. I've never seen one filled in, but...

5 Q. Well --

6 A. Yes.

7 Q. -- what I'm asking is: There's pre-typed
8 text that says --

9 A. Yes.

10 Q. -- "the Court makes the following findings of
11 facts and conclusions of law." And then there's a
12 gap in the page in which, on this document, there's
13 some handwritten text; is that right?

14 A. Yes, ma'am.

15 Q. And on this form, the handwritten text reads:
16 "7.6.18 @ 1:30 p.m. F&C"; right?

17 A. Correct.

18 Q. Did you write this text?

19 A. I did not.

20 Q. Do you know who did?

21 A. That's probably Ms. Swan's handwriting,
22 Gina Swan.

23 Q. So this would be Ms. Swan acting as minute
24 clerk writing --

25 A. Correct.

1 Q. And then -- and then you reviewed the
2 portions that she had filled in before signing your
3 signature at the bottom?

4 A. Probably not as well as I should have, ma'am.

5 Q. But you had the opportunity to review it
6 before applying your signature at the bottom?

7 A. Yes, ma'am.

8 Q. Do you know what -- what the -- that caption,
9 that "7.6.18 @ 1:30 p.m. F&C," do you know what that
10 means?

11 A. That would have probably been the next fines
12 and costs docket following this date of May the 10th.

13 Q. Let me go ahead and pull up the document at
14 tab 10 of your binder.

15 MS. BURACK: And, Cheryl, we can go ahead
16 and mark that as Exhibit 8.

17 (Whereupon, Deposition Exhibit No. 8 was
18 marked for identification and made part of the
19 record.)

20 BY MS. BURACK:

21 Q. Judge Sigler, I want to ask you at a high
22 level. Do you recognize this as a schedule of now
23 Ms. Sharonica Carter's appearances, fines, and
24 payments in Washington County?

25 A. Yes, ma'am.

1 Q. And I'll just direct your attention on this
2 first page. For example, we see -- starting about
3 maybe halfway down -- or maybe a little further --
4 two thirds of the way down, there are fines and costs
5 reviews attendances listed; right?

6 A. Yes, ma'am.

7 Q. And am I right, just like with Ms. Feenstra,
8 there aren't any recordings or transcriptions of --
9 of these appearances; right?

10 A. Correct.

11 Q. It would be whatever the minute clerk
12 transcribed and put into the computer?

13 A. Correct.

14 Q. Let's go back, if we can, to Exhibit 1. And
15 go, again, to that third page in Exhibit 1 ending
16 Bates stamp STATE JUDGES ending in 499.

17 A. Yes.

18 Q. So about halfway down on the page, there's a
19 section titled "Important." And then it has three
20 exclamation points after it.

21 Do you see that?

22 A. Yes.

23 Q. And then the final bullet in this section
24 reads: "If you miss a payment, you must appear on
25 your scheduled court date." And then underlined:

1 "You will not go to jail for failure to pay, but you
2 may go to jail for failure to appear."

3 Do you see that?

4 A. Yes.

5 Q. And I think you testified earlier that it's
6 currently the policy of Washington County that
7 defendants will not be remanded to jail for failure
8 to pay; is that right?

9 A. Correct.

10 Q. They can still be remanded for failure to
11 appear; is that right?

12 A. Well, they're not remanded. They'll have a
13 bond set. And if they post their bond, they can be
14 released. But if they can't post a bond, we do give
15 them credit towards their fines and costs for \$25 a
16 day for the days in which they were unable to post
17 their bond.

18 Q. And so I understand your point about the
19 credit. But if they fail to post the bond for
20 failure to appear, then they do have to remain in
21 jail; is that right?

22 A. Yes.

23 Q. And was it always the policy in
24 Washington County that defendants would not be
25 remanded for failure to pay?

1 A. No.

2 Q. And so defendants have previously been
3 remanded for failure to pay their fines, fees, and
4 costs; right?

5 A. Yes.

6 Q. When did that policy change?

7 A. Probably following August of 2018.

8 (Reporter clarification.)

9 BY MS. BURACK:

10 Q. That's following the resignation of
11 Judge DeLapp?

12 A. Yes.

13 Q. Why did the policy change?

14 A. It needed to change.

15 Q. Why did it need to change?

16 A. Well, because people were struggling to make
17 these payments, and them going to jail doesn't do
18 anything to help them, their situation.

19 Q. Judge Sigler, I want to show you now the
20 document that's been marked as tab 11 in your binder.

21 A. Yes.

22 MS. BURACK: And, Cheryl, we can go ahead
23 and mark this Exhibit 9.

24 (Whereupon, Deposition Exhibit No. 9 was
25 marked for identification and made part of the

1 record.)

2 BY MS. BURACK:

3 Q. Judge Sigler, do you recognize this document?

4 A. I do.

5 Q. And for purposes of the record, this document
6 is titled "Bench Warrant Recall's." It's got a Bates
7 at the bottom STATE JUDGES ending in 515.

8 Judge Sigler, what is this document?

9 A. Well, this was -- I believe that Ms. Swan,
10 Gina Swan, compiled this, just as a reference for
11 other deputy clerks downstairs regarding fines and
12 costs policies and bench warrant recalls.

13 Q. And at the top of the page, "Bench Warrant
14 Recall's, Judge Sigler." So is it your understanding
15 that Ms. Swan compiled this document to reflect your
16 policies?

17 A. Yes, ma'am.

18 Q. Did you review this document?

19 A. Yes.

20 Q. Did you --

21 A. Go ahead.

22 Q. I'm sorry. Please go ahead. I didn't mean
23 to --

24 A. And this is -- you know, this is a document
25 that has been -- that was once in existence, and then

1 it was redact -- not redacted, but I changed it. And
2 now this doesn't -- doesn't apply to what we do.

3 Q. Understood. And maybe we'll pick that apart
4 some more.

5 So this document does not reflect your current
6 policies with respect to bench warrant recalls; is
7 that fair?

8 A. Well, I can't say it doesn't at all address
9 how we do it now, but the majority of it does --

10 Q. And I think -- I think I can ask you
11 questions in a better way --

12 A. Okay.

13 Q. -- rather than to try and do that.

14 When was this document first created; do you
15 remember?

16 A. I do not.

17 Q. Do you know if it was relatively early on in
18 your time on the bench?

19 A. Probably, yes.

20 Q. So that would have been sometime in 2017,
21 maybe?

22 A. Yes. Give or take.

23 Q. Okay. And this document, you notice that
24 there's some highlighting and annotations on top of
25 the typewritten text; right?

1 A. Yes.

2 Q. And, in fact, there are some portions of the
3 document that look like they've been struck -- struck
4 out in red -- in red ink; right?

5 A. Yes.

6 Q. So is it your understanding that the portions
7 that have been struck out in red ink, that those --
8 those portions of the policies are no longer in
9 effect?

10 A. Yes.

11 Q. So, for example, your current practices, if
12 we look at that -- if we look at the second
13 paragraph, the last couple of sentences, starting
14 with: "If a deft fails to appear." Let me pause
15 there. "Deft" in this document, is that shorthand
16 for defendant?

17 A. Yes.

18 Q. So in this second paragraph, where it starts
19 to read, "If said deft fails to appear at the next
20 court date," and then it goes on, that's been struck
21 out in red -- in red text. And so that means that's
22 not your current policy; right?

23 A. If the defendant fails to call or appear, we
24 do send a letter. And they don't have to be current
25 on their fines and costs anymore; they just have to

1 be making some payments.

2 Q. So the changes that are reflected by the
3 annotations in this document, do you know, roughly,
4 when they would have occurred?

5 MR. PEDERSON: Object to form.

6 THE WITNESS: It would have been 2018,
7 2000 -- probably 2018, 2019.

8 BY MS. BURACK:

9 Q. And do you know -- well, let me ask it a
10 different way.

11 This document speaks to your policies; right?

12 A. Correct.

13 Q. So why did you change the policies?

14 A. Trying to make it a better system, trying to
15 make it where -- I went from the higher dollar bond
16 amounts to move down to 150. Now we do \$50 all the
17 time. Just -- just, I guess, to make it make more
18 sense regarding fines and costs collections and not
19 having people go to jail for missing their -- well,
20 for missing their court dates. And if they do go to
21 jail for that, they're not in jail for extended
22 periods of time.

23 Q. And I want to direct your attention, Judge,
24 to the paragraph that starts at the very bottom of
25 this first page. You see it says: "If a

1 defendant -- the deft needs to speak with
2 Judge Sigler regarding lowering their payments, he
3 will see the defendant any Tuesday or Thursday
4 morning at 8:30 a.m. in courtroom 2B (after prelims)
5 to discuss those issues. Judge Sigler will not
6 discuss payment reductions during the fines and costs
7 dockets."

8 It goes onto the second page.

9 A. Uh-huh.

10 Q. And then there's actually a handwritten
11 annotation to the first sentence. Do you see that?

12 A. I do.

13 Q. So the times when the defendant needs to
14 speak with you regarding lowering their payments --
15 right? -- the times have changed to Tuesdays at 4:00.
16 Are those the Rule 8 hearings that we were talking
17 about earlier?

18 A. Yeah. Now it's Thursday at 4:00.

19 Q. Okay.

20 A. But that's just because, with my dockets,
21 that was the time -- the Thursday at 4:00 worked the
22 best for that docket, with my existing dockets.

23 Q. Understood.

24 And if we continue reading: "Judge Sigler will
25 not discuss payment reductions during the fines and

1 costs dockets"; right?

2 A. Well, that's what that says, but that's not
3 right because I discuss those all the time with
4 people.

5 Q. Was that -- was this ever right, that you
6 would not discuss payment reductions during fines and
7 costs dockets?

8 A. Well, yes because -- and you have to -- well,
9 you have to think of it regarding a Rule 8 setting.
10 If I had hundreds of people -- a hundred people in
11 there, I can't have an individualized discussion on
12 Rule 8 with every person on the docket. So I would
13 tell them, "You can come see me on" -- well, back
14 then, ma'am, it was, "If you want to talk about your
15 fines and costs and a different payment, come see me
16 on Tuesday or Thursday at 8:30 and we'll have more
17 time to visit."

18 Q. So "back then" meaning sometime in 2017, you
19 would not discuss lowering the payments during fines
20 and costs dockets?

21 A. It was my practice to redirect those
22 individuals to that Tuesday and Thursday.

23 I'm not hearing you. Are you speaking?

24 Q. No.

25 A. Okay. But did I -- did I never speak with

1 them regarding fines and costs reductions on a
2 docket? I can't say I never did, but it was my
3 policy to have them come Tuesday or Thursday.

4 Q. I'd like to share with you now the document
5 that's been marked tab 12 in your binder.

6 A. Yes, ma'am.

7 MS. BURACK: Cheryl, if we could go ahead
8 and mark that as Exhibit 10.

9 (Whereupon, Deposition Exhibit No. 10 was
10 marked for identification and made part of the
11 record.)

12 BY MS. BURACK:

13 Q. And, Judge Sigler, I have it up on the
14 screen. This is now a template Order Setting Bond
15 for Failure to Appear. The first page is Bates
16 stamped STATE JUDGES ending in 522. Are you looking
17 at the same document?

18 A. I am.

19 Q. And do you recognize this document?

20 A. I do.

21 Q. What is it?

22 A. This is the Order Setting Bond for Failure to
23 Appear. So this is a document that's utilized by the
24 district court at this time. If this individual
25 fails to appear for fines and costs and a warrant is

1 issued and then they get picked up on that warrant,
2 this will be the document that's utilized to
3 represent what happened in their case, following
4 their being picked up on the warrant.

5 Q. And you mentioned this is a document that is
6 used "at this time." I take it to mean this document
7 was not always in use; is that right?

8 A. Correct.

9 Q. And prior to the use of this document, the
10 Washington County courthouse would use bonds --
11 orders setting bonds for failure to pay; is that
12 right?

13 A. Yes.

14 Q. When did the change occur?

15 A. Well, this is something that we have put
16 together. We would be Judge Thomas, Judge Vaclaw,
17 and myself kind of working -- and the clerks working
18 together. So it would be sometime after Judge Thomas
19 came to be on the bench.

20 Q. Okay. And when did Judge Thomas join the
21 bench?

22 A. January of 2019, ma'am.

23 Q. You told me that earlier. I should remember.

24 I want to direct your attention, Judge, to the
25 last paragraph on the second page of this document,

1 Bates page ending in 523. And do you see there's a
2 paragraph captioned "Rule 8 Notice to Defendants"?

3 A. Correct.

4 Q. So I understand that there was a change.
5 Previously there were orders for -- I understand that
6 previously there were orders setting bonds for
7 failure to pay; right?

8 A. Correct.

9 Q. Those orders have now been revised and
10 re-captioned, and they're not captioned Order Setting
11 Bond for Failure to Appear; right?

12 A. Well, no. There's another -- there should be
13 a warrant somewhere that says failure to appear, a
14 warrant in itself, a fines and costs warrant.

15 Q. But these Orders Setting Bonds for Failure to
16 Appear, they have this Rule 8 notice language; right?

17 A. Correct. Yes.

18 Q. But the prior orders setting bonds for
19 failure to pay, those did not have Rule 8 notice
20 language, did they?

21 A. I don't believe so, no, ma'am.

22 Q. So was the Rule 8 notice language added as
23 part of this revision and the creation of this --

24 A. Yes.

25 Q. -- this new order?

1 A. Yes.

2 Q. Judge, if it's all right with you, I want to
3 take now just a quick 5-minute break. I just want to
4 look over my notes and make sure we're checking off
5 boxes. I know you have a time limitation. I think
6 if I do that, it will actually go faster, and I'm
7 sure we'll be able to get you out of here in time for
8 your docket.

9 A. Good.

10 MS. BURACK: So, Devan, if that works for
11 you as well, we will take 5 minutes.

12 MR. PEDERSON: That's fine.

13 THE REPORTER: We're off the record. The
14 time is 11:09 a.m.

15 (Break was taken: 11:09 a.m. to 11:15 a.m.)

16 THE REPORTER: We are back on the record.
17 The time is 11:15 a.m.

18 BY MS. BURACK:

19 Q. Welcome back, Judge. I think this will be
20 fairly quick.

21 I just want to go back. A few moments ago
22 before we broke, you mentioned that you and
23 Judge Thomas and Judge Vaclaw began discussing some
24 changes that Washington County has made with respect
25 to fines, costs, and fees after Judge Thomas came

1 onto the bench; is that right?

2 A. We have discussed things after she came onto
3 the bench, and we discussed things before she came
4 onto the bench.

5 Q. Okay. Well, starting with the first piece,
6 discussions after she's come onto the bench in
7 January of 2019.

8 What precipitated those discussions?

9 A. Just the need for the system to be different,
10 trying to make it better.

11 Q. Was there any specific event or events that
12 precipitated the discussion?

13 A. Well, different lawsuits around the nation
14 that have been filed, different lawsuits across the
15 state that have been filed.

16 Q. Okay. Did --

17 A. It had --

18 Q. I apologize. Go on.

19 A. It had been a topic of judges, you know, just
20 kind of across the state, that, "Hey, we need to
21 start thinking about how to make this system better."
22 I mean, I can't say that your lawsuit being filed
23 didn't -- didn't have an effect on us continuing to
24 try to make this process better.

25 Q. So fair to say that this lawsuit had

1 something to do with the discussions that you and
2 Judge Thomas and Judge Vaclaw have had since January
3 of 2019?

4 MR. PEDERSON: Object to form.

5 THE WITNESS: It had -- I would say it had
6 something to do with it.

7 BY MS. BURACK:

8 Q. And what's the nature of these discussions?

9 A. Regarding fines and costs?

10 Q. Correct.

11 A. Just how to make the system better, how to
12 make it -- I mean, the whole goal of it, I believe,
13 is to have these individuals who have fines and costs
14 obligations have it in a way in which they can afford
15 to pay their fines and costs obligation that's not
16 disruptive to their daily lives, it's not burdensome
17 on their -- on their budget.

18 So, I mean, those are the type of things we do.
19 We talk about -- we started the letters, we started
20 the mail -- the call-ins with the extended time that
21 you would call in. We narrowed down the amount of
22 clerks that handle fines and costs because sometimes
23 if you have too many people involved in a situation,
24 things -- you have -- it's more apt to be some
25 errors, some mistakes.

1 So just things like that, just trying to make
2 it more user friendly for individuals who owe these
3 fines and costs.

4 Q. And what was wrong with the system, with
5 respect to fines, fees, and costs, before you started
6 having these discussions with the other judges?

7 A. In my opinion?

8 Q. Yes.

9 A. Is that what you're asking?

10 Q. Uh-huh.

11 A. Well, I just think that mandating somebody a
12 dollar amount to pay monthly is difficult. I mean,
13 \$75 to you and I, we can do that. But if you make
14 \$1,000 a month, that's a lot of money. So we needed
15 to let the individuals have an ability to say, "This
16 is what I can pay." And keeping it from them having
17 to be current; right? So they were having to be
18 current. So that would mean that if you miss one
19 payment, that you weren't current so you had to come
20 to court. Well, we did away with that. And now you
21 just have to be paying consistently.

22 Because there's no reason for someone to take a
23 day off of their job to come up to court to spend
24 3 hours. So we're trying to make it where they don't
25 have to do that.

1 Q. And so I think earlier -- or at several
2 points in today's discussion, you've mentioned that
3 there were changes or discussions that occurred
4 sometime after Judge DeLapp resigned in August of
5 2018; right?

6 A. Yes.

7 Q. And so focusing on the periods in between
8 when Judge DeLapp resigned in August 2018 and when
9 Judge Thomas joined the bench in January of 2019,
10 were there discussions in that intervening period
11 about changing the fines, costs, and fees practices
12 in Washington County?

13 A. Yes.

14 Q. And were you involved in those discussions?

15 A. Yes.

16 Q. And what was the nature of those discussions?

17 A. Kind of the same things we've been talking
18 about. And I don't recall every discussion,
19 you know, exactly what was said. But the theme would
20 be trying to make it better.

21 Q. And so what precipitated those discussions in
22 that intervening time period?

23 A. Well, it would be that we identified the
24 system wasn't that great. And Judge Thomas was a
25 proponent of making the fines and costs docket better

1 for the individuals who were mandated to come in.
2 And she was going to -- she was coming in to be our
3 district judge.

4 And it's a small legal community; we all know
5 each other. So she had come up and we had visit.
6 And it was just -- it needed to be a better system.

7 Q. So you mentioned just now that you identified
8 the system wasn't that great. That the system under
9 Judge DeLapp was not that great?

10 A. Yes.

11 Q. And what was wrong with the system under
12 Judge DeLapp?

13 A. Well, just the mandatory minimum payment,
14 that was difficult on individuals. Having to come in
15 if you weren't current, that was difficult on people.
16 Just -- there's just certain things that needed to be
17 tweaked that -- where individuals could still pay
18 their obligations but not -- but not be losing out on
19 their jobs and -- you know, and their budgets and
20 their daily lives.

21 Q. Understood.

22 MS. BURACK: I think that's all I have for
23 you today, Judge Sigler. I very much appreciate you
24 taking the time. I know you have a busy day in
25 court.

1 Devan, I'm not sure if there's anything you
2 would like to cover as well.

3 MR. PEDERSON: Yeah. I'm going to -- let
4 me just look at my notes real quick.

5 MS. BURACK: Sure.

6 MR. PEDERSON: It will just take me a
7 minute. We can go off the record for a second, if
8 that's okay?

9 MS. BURACK: Sure. That's fine with me.

10 THE REPORTER: We're off the record at
11 11:24 a.m.

12 (Break was taken: 11:24 a.m. to 11:25 a.m.)

13 MR. PEDERSON: Okay. I don't have any
14 questions.

15 Judge Sigler, you have a right to read and
16 sign your deposition transcript to check for accuracy
17 or you can waive that right. Would you like to read
18 and sign or waive?

19 THE WITNESS: I'll waive it.

20 MR. WILLIFORD: I don't have any questions,
21 Devan.

22 MR. PEDERSON: Are you sure about waiving?
23 Do you want to read and sign?

24 THE WITNESS: What do I do?

25 MR. PEDERSON: Say read and sign.

THE WITNESS: Oh, read and sign.

(Record concluded, 11:26 a.m.)

JURAT PAGE

FEENSTRA VS. SIGLER, ET AL.

JOB FILE # 147749

STATE OF OKLAHOMA

SS

COUNTY OF OKLAHOMA

I, Jared Sigler, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true and correct transcript of my testimony so given at said time and place, except for the corrections noted.

Jared Sigler

Subscribed and sworn to before me, the undersigned Notary Public in and for the state of Oklahoma, by said witness _____, on this _____ day of _____, 2020.

Notary Public

My Commission Expires: _____

JOB FILE # 147749

ERRATA SHEET

FEENSTRA VS. SIGLER, ET AL.

DEPOSITION OF JARED SIGLER

REPORTER: CHERYL D. RYLANT, CSR, RPR

DATE DEPOSITION TAKEN: OCTOBER 26, 2020

JOB FILE # 147749

PAGE	LINE	CORRECTION
------	------	------------

[illegible]

CERTIFICATE

STATE OF OKLAHOMA

SS

OKLAHOMA COUNTY

I, Cheryl D. Rylant, Certified Shorthand Reporter within and for the state of Oklahoma, certify that the above-named witness was sworn, that the deposition was taken in shorthand and thereafter transcribed; that it is true and correct; and that it was taken on October 26, 2020, in Edmond, county of Oklahoma, state of Oklahoma, pursuant to Notice, Agreement, the Federal Rules of Civil Procedure, and under the stipulations set out, and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 5th day of November, 2020.

CHERYL D. RYLANT, CSR, RPR
Certificate No. 1448